

THE HON'BLE SRI JUSTICE RAJA ELANGO

CrI.R.C. No.1256 of 2015

ORDER :

The petitioner preferred the present Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Code of Criminal Procedure being aggrieved by the order dated 03-07-2015 passed in CrI.M.P.No.280 of 2014 in D.V.C.No.3 of 2007 by the III Metropolitan Magistrate, Erramanzil at Hyderabad, wherein and whereby the learned Magistrate allowed the application filed by respondent Nos.1 to 3 herein, invoking the provisions under Section 125(3) Cr.P.C., seeking to pay arrears of maintenance.

In the impugned order, the petitioner herein is directed to pay arrears of maintenance of Rs.95,000/- to Respondents Nos.1 to 3 herein. During pendency of the matter, this Court directed the petitioner herein to pay Rs.50,000/- out of arrears and the same was also paid by the petitioner. It is not in disputed by the learned counsel for Respondent Nos.1 to 3. Remaining arrears of maintenance of Rs.45,000/- has to be paid by the petitioner herein as per the order in CrI.M.P.No.280 of 2014.

When the matter is taken up, it is represented by the learned counsel for the petitioner that Respondent Nos.2 and 3 are majors and they are not entitled for the said amount of Rs.45,000/-.

The learned counsel for Respondent Nos.1 to 3 submits

that the said fact also observed in the impugned order, but since the petitioner herein has not filed any application invoking the provisions under Section 127 Cr.P.C. to set aside the order of maintenance passed in D.V.C., the impugned order has been rightly passed.

Considering the rival submissions, this Court is of the view that the present revision can be disposed of with the following directions :

The petitioner herein is directed to pay another Rs.20,000/- on 27-01-2016 before the III Metropolitan Magistrate, Erramanzil at Hyderabad as full and final settlement towards arrears in the order dated 03-07-2015 passed in CrI.M.P.No.280 of 2014. The petitioner is at liberty to file a fresh application, if he is so advised, invoking the provisions under Section 127 Cr.P.C. after giving notice to concerned persons.

Accordingly, the Criminal Revision Case is disposed of.

Consequently, Miscellaneous petitions pending, if any, in this Revision shall stand closed.

JUSTICE RAJA ELANGO

06th January, 2016

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